

2004 NCP statement regarding travels to Burma

In November 2002, the matter of seven travel agencies¹ which continue to organise trips to Burma despite repeated calls from the Netherlands Burma Centre [*Birma Centrum Nederland*] and the trade unions to discontinue these activities was raised with the National Contact Point for the OECD Guidelines for Multinational Enterprises (NCP). The Dutch Trade Union Federation [FNV] and the Christian Trade Union Federation [CNV] were of the opinion, given the Burmese military junta's use of forced labour and the policy of the International Labour Organisation (ILO) and of the Dutch government in this regard, that the travel agencies were acting in violation of the recommendations of the OECD Guidelines by organising trips to Burma. These Guidelines stipulate that companies must comply fully with prevailing policy and must take into account the positions of other stakeholders in the countries where they are active. Paragraph 1(c) of Chapter IV of the Guidelines (Employment and Industrial Relations) states that "*Enterprises should, within the framework of applicable law, regulations and prevailing labour relations and employment practices, contribute to the elimination of all forms of forced or compulsory labour*".

After initially meeting separately with the trade unions and the travel agencies involved in Spring 2003, the NCP held a second meeting with both parties in July 2003 to discuss the issue jointly.

The key question was the debate within the OECD Committee on International Investment and Multinational Enterprises (CIME) regarding the scope of the Guidelines. This debate hinged on the issue of whether the Guidelines apply only to *investments* by enterprises, or whether they also apply to *trade* and *services*, which would include tourism. During the meeting with the trade unions alone, the NCP determined that the conclusions emerging from the CIME debate would direct its response in the matter regarding the travel agencies. Although the NCP could have addressed the matter already, it was unable to issue a formal statement as long as the CIME was still discussing the issue.

Before the tripartite meeting with the trade unions and the travel agencies could be held, the CIME reached the conclusion that the OECD Guidelines do apply to trade and services – but only in the context of investments. Consequently, the OECD Guidelines do not apply to the travel agencies organising trips to Burma as it became apparent during the meetings that their activities were not being conducted in the context of investments.

In response to information obtained during the procedure, which could help resolve this situation, the NCP decided – despite being unable to issue a formal statement – to identify several points for consideration (see annex). These points are based on the general values reflected in the Guidelines, which are relevant for the activities of the travel agencies in this particular situation.

Annex: Points of consideration regarding travel to Burma

With respect to the government:

The Dutch government officially discourages all enterprise in Burma. FNV believes that all forms of tourism should stop and that the operations of all travel agencies offering trips to Burma should be discontinued. It also sees the government's policy of discouragement as a call for a total boycott. The travel agencies do not consider it a *de facto* ban. They

¹ Asian Way of Life, Far Holidays International, Fox Vakanties, Koning Aap Reizen, Outsight Travel, Summum Reizen and VNC Travel.

are of the opinion that the policy of discouragement offers a margin for activities that can benefit the future of the Burmese population. Given the difference of opinion between the parties involved, the government could help by clarifying its policy intentions.

With respect to the travel agencies:

Ask yourself – given the government’s policy of discouragement – whether organising trips to Burma is responsible. If you feel it is, then:

- Avoid places where you can determine with certainty that their development or maintenance is made possible through the use of forced labour.
- Pursue small-scale tourism. Avoid state-owned hotels, opting instead for alternatives where the proceeds benefit Burmese citizens rather than go directly to the Burmese regime. Use local guides instead of government officials of the state-run tourism agency Myanmar Travels and Tours (MTT).
- Inform tourists (including prospective tourists) about the political situation in Burma using brochures, information meetings, websites, etc. Provide them with information that explicitly states the concerns of the international community about the political and military situation and the ILO’s denunciation of forced labour. Refer to information from both proponents and opponents of a boycott of Burma, enabling the tourists to make up their own mind. Draw their attention to the Dutch government’s policy of discouragement and refer to the statement in this regard (preferably using a link to the website of the Ministry of Economic Affairs and/or the Ministry of Foreign Affairs).